

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )  
                                  )  
                                  )  
                                 Plaintiff, )  
                                  )  
                                  )  
                                 vs. )                                 No. CR-21-275-C  
                                  )  
                                  )  
CESAR ALEJANDRO )  
FONSECA-ECHAVARRIA, et al., )  
                                  )  
                                  )  
                                 Defendants. )

O R D E R

The parties have filed a joint Motion to continue the trial of this case, presently set for the December 2021 trial docket, to the November 2022 trial docket. In support of the request, the parties note the case is complex, as that term is used in 18 U.S.C. § 3161(h)(7)(B)(ii). The parties recognize that substantial additional time is needed to complete and review discovery, for presentation and resolution of evidentiary motions, and otherwise coordinate the preparation for trial of a 66-count, nine defendant case.

After consideration of the Tenth Circuit's rulings in United States v. Toombs, 574 F.3d 1262 (10th Cir. 2009); United States v. Larson, 627 F.3d 1198 (10th Cir. 2010), and the parameters of the Speedy Trial Act, the Court finds that a continuance is in the interest of justice for the following reasons:

1. A continuance, though not as lengthy as that requested by the parties, is necessary for completion of pretrial matters.

2. Due to the issues set forth above, including the complex nature of the case, the Court concludes that the current trial date does not permit adequate time for either party to effectively prepare for trial.

3. Defendants' right to have adequately prepared counsel at the trial of this matter outweighs any interest the public has in the trial occurring in December 2021 as opposed to later in 2022. 18 U.S.C. § 3161(h)(7)(B)(iv).

Finally, the Court finds that additional time for the parties to prepare and present pretrial Motions is warranted. Thus, the following deadlines are set:

Plaintiff shall complete its disclosure of discovery by December 31, 2021.

Defendants shall present any Motions to Dismiss the Indictment, Motions pursuant to Fed. R. Crim. P. 12(b)(3)(A) or (B), Motions for a Bill of Particulars and any Notices pursuant to Rules 12.2 or 12.3 not later than December 15, 2021. As presentation of these Motions is not dependent on discovery, they should be raised as soon as possible.

Plaintiff's disclosures pursuant to Fed. R. Crim. P. 16 are due not later than January 15, 2022; Defendants' Rule 16 disclosures are due not later than February 15, 2022.

All other Motions shall be filed not later than March 15, 2022.

The Court will set this matter for trial following the filing of the March 15, 2022, Motions.

As set forth more fully herein, the Joint Motion to Declare Case Complex Federal Criminal Matter (Dkt. No. 112) is GRANTED in part. The matter is declared complex

and the deadlines set forth herein are imposed. The time shall be excluded from the speedy trial clock.

IT IS SO ORDERED this 23rd day of November 2021.



ROBIN J. CAUTHRON  
United States District Judge